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REVIEW OF THE DECLARATION OF THE 1990s AS THE THIRD DISARMAMENT DECADE

Working paper submitted by India

1. India welcomes this opportunity provided in the Disarmament Commission to review the Declaration of the 1990s as the Third Disarmament Decade. This is in accord with General Assembly resolution 49/75 B, wherein the Disarmament Commission has been requested at its current session to make a preliminary assessment of the declaration as well as suggestions that may be put forward to ensure appropriate progress. The halfway mark in the Decade is indeed an appropriate time to examine how much of the task has been accomplished and what remains undone.

2. The Third Disarmament Decade set for itself the goal, first and foremost, to continue seeking urgently early reductions in, and eventual elimination of, nuclear weapons. This is, in our view, an issue of the highest priority in the field of disarmament for the international community today. As the General Assembly stated in the Programme of Action of the Final Document of the Tenth Special Session of the General Assembly (resolution S-10/2, sect.III, para. 47): "Nuclear weapons pose the greatest danger to mankind and to the survival of civilization. It is essential to halt and reverse the nuclear arms race in all its aspects in order to avert the danger of war involving nuclear weapons. The ultimate goal in this context is the complete elimination of nuclear weapons". It is this recognition of the danger of nuclear weapons and of the ultimate goal in this regard that must govern the assessment of the Declaration of the 1990s as the Third Disarmament Decade.

3. The post-cold war years have registered some progress in nuclear arms control. The START I and START II treaties between the United States of America and the Russian Federation are commendable achievements of arms control that would ultimately reduce the deployed strategic nuclear warheads to between 3,000

and 3,500 by the year 2003 on the part of each of the parties. Also encouraging are the unilateral declarations of withdrawal of tactical nuclear weapons from nuclear arsenals and agreements for detargeting strategic nuclear missiles. The Conference on Disarmament has been engaged in serious negotiations on a comprehensive test-ban treaty with the adoption of a negotiating mandate since January 1994. Consensus has also been reached on the formation of an ad hoc committee to negotiate a ban on the production of fissile material for nuclear weapons and other nuclear explosive devices. Another major achievement in the area of weapons of mass destruction was the signature in 1993 of the Chemical Weapons Convention which now awaits entry into force. Efforts have also been initiated for finding appropriate ways and means of strengthening the Biological Weapons Convention.

4. These developments should be seen as harbingers of hope but should not lull the international community into complacency. Despite START I and START II, the international security situation remains unstable as the nuclear weapons left with the United States and the Russian Federation, even after the reductions, will be enough to destroy the world many times over. The agreements also do not prohibit the modernization of nuclear weapons, thus allowing a compensation by quality for the reduction in quantity of deployed weapons. It is recognized that the withdrawal of strategic range warheads and missiles from operational deployment is an important step for reducing the risks of a nuclear surprise attack. But the possibility of storage and reuse of warheads and missiles withdrawn from operational deployment undermines the irreversibility of the START process. Similarly, part of the tactical nuclear weapons unilaterally withdrawn from the nuclear arsenals of the United States of America and the former Soviet Union would be stored and not destroyed. It must also be remembered that the START agreements are between two of the nuclear Powers only and do not include any reductions by the other three nuclear Powers.

5. Though there is an increasing recognition of the final goal of complete elimination of nuclear weapons, the international community is yet to move inexorably and irreversibly towards this goal. This is the logical conclusion from the fact that the post-START scenario has yet to be defined in terms of further reductions by the United States and the Russian Federation and similar action by the other three nuclear Powers. There is continued dependence on nuclear weapons as instruments of international terror, continued qualitative improvements in nuclear weapons and deployment of higher capability systems. Security doctrines have also not given up the idea of nuclear deterrence but have moved on to newer nuances like minimum deterrence and mutual assured safety. These doctrines are being used to justify retention and possible use of nuclear weapons. The end of the cold war and the emergence of an increasingly interdependent world linked by the imperatives of economy and technology shatter the logic of any justification of the doctrine of nuclear deterrence as had been put forward even by its proponents in the preceding decades.

6. The arguments against the theory of nuclear deterrence are even more valid in today's changed circumstances than ever before. The ultimate argument against nuclear deterrence is the nature of the nuclear weapon itself, its potential for mass annihilation and its lack of proportion to any security threat or military objective. Nuclear weapons are morally indefensible as they hold not only military targets but millions of innocent citizens as hostages.

Established laws of armed conflict regulate the use of conventional weapons which may cause unnecessary excessive suffering. It is universally recognized that weapons should be used only against military targets and that citizens and property of neutral countries should not be harmed. While laws have been established to regulate the use of a bullet or a torpedo or a mine or poisonous gas, none have been developed explicitly covering nuclear weapons. There is no justification for this glaring lacuna, for nuclear weapons, by their very nature, are infinitely more devastating than conventional weapons. Today more energy can be released in one micro-second from one nuclear weapon than that released from all conventional weapons in all wars throughout history. In the interests of humanity therefore, the same logic must apply to the enormous danger of nuclear weapons. The indiscriminate nature of nuclear weapons makes no distinction between military or non-military objectives, combatants or non-combatants. It is impossible to confine the effects of nuclear weapons to territories of States at war. Further, the radiation effects and damage to the environment would be severe and widespread. It is obvious that use of these weapons goes against the cumulatively accepted principles of armed conflict, laws of humanity and the guidelines of public conscience and constitutes a violation of the Charter of the United Nations and a crime against humanity. That is the reason why the General Assembly, in its resolution 1653 (XVI) adopted as far back as 1961, proclaimed the use of nuclear weapons "a crime against mankind and civilization" and contrary to the spirit, letter and aims of the Charter of the United Nations. These considerations must govern our attitude to nuclear deterrence because of any State that relies on this doctrine must ultimately be prepared to employ these weapons. In this context, we welcome the adoption of General Assembly resolution 49/75 K, sponsored by the States members of the Movement of Non-Aligned Countries, on the request to the International Court of Justice for an advisory opinion on whether the use of nuclear weapons by a State in war or other armed conflict would be a breach of its obligations under international law.

7. There are other cogent reasons why there is the imperative need to search and find lasting and credible alternatives to nuclear deterrence. One of the most important arguments is the present unpredictability of nuclear command and control arrangements. Despite the provision of hotlines and protection against limited strikes, reports continue to appear about the possibility of errors both in human judgement and in computer judgement. As the lethality of the arsenals has grown, such a situation has become even more untenable. The recent revelations about trade in fissile materials and leakages have further brought to light the dangers of nuclear terrorism as well as proliferation.

8. Furthermore, nuclear weapons do not provide an answer to the problems that beset the world today - the problems of economic crises, of ethnic conflicts, of countries and societies in transition. The presence of nuclear weapons in countries that also possess large conventional forces would indicate that military establishments look upon nuclear weapons more as a currency of power. As long as this mindset continues, these countries will find it difficult to give up their addiction. Continued possession of nuclear weapons only increases the chances of proliferation and hence the chance of a real security threat to the nuclear-weapon States. By denying themselves the weapons, these States would also automatically deny them to would-be opponents. On the other hand, by

retaining these weapons, at a time when there is no justification whatsoever to do so, the nuclear-weapon States will only legitimize them.

9. It is clear that, as long as there is an adherence to security doctrines justifying perpetuation of nuclear weapons, a nuclear-weapon-free world remains a distant dream. This must be recognized as an important but sobering thought in our assessment of this Decade, despite the significant achievements that the international community has to its credit.

10. The only meaningful alternative is the eventual elimination of nuclear weapons. The most propitious time to undertake this task is now. The end of the second millennium has brought about a unique window of opportunity that mankind can afford to miss only at its own peril. There is no guarantee that, if this opportunity is missed, a similar one with such favourable historical and political circumstances will arise again in the future. The remaining part of the Decade must be devoted to concentrating the attention and efforts of the international community on the ultimate goal of complete elimination of nuclear weapons as only this would provide the real effective guarantee against the danger of nuclear war.

11. It is recognized that complete elimination cannot take place overnight. A phased programme would have to be adopted that would lead to the ultimate goal, but the first step and perhaps the most important step would be an international commitment to this goal which recognizes the irrelevance of nuclear weapons and attendant security doctrines. One argument against the elimination of nuclear weapons has been that they cannot be disinvented. Speaking at the third special session of the General Assembly devoted to disarmament, former Prime Minister of India, Mr. Rajiv Gandhi, underlined the need for elimination when he said:

> "The champions of nuclear deterrence argue that nuclear weapons have been invented and, therefore, cannot be eliminated. We do not agree. We have an international convention eliminating biological weapons by prohibiting their use in war. We are working on similarly eliminating chemical weapons. There is no reason in principle why nuclear weapons too cannot be so eliminated. All it requires is the affirmation of certain basic moral values and the assertion of the required political will, underpinned by treaties and institutions which ensure against nuclear delinquency".

This statement has been vindicated by successful conclusion of the Chemical Weapons Convention.

12. The action plan submitted by India to the third special session of the General Assembly devoted to disarmament in 1988 outlined a stage-wise methodology leading towards complete elimination of nuclear weapons and the building of a new world order based not on militarization and threat but on scrupulous adherence to the principles of coexistence and the Charter of the United Nations. The plan calls upon the international community to negotiate a binding commitment to general and complete disarmament. This commitment must be total and without reservation. Besides the centrepiece of nuclear disarmament, the plan envisages collateral and other measures, including steps for precluding the development of new weapon systems and the reduction of conventional arms and

forces to minimum defensive levels. It is obvious that the logic of the action plan is in keeping with the general direction of the disarmament agenda today.

13. Once there is an international commitment to the elimination of nuclear weapons, it would be necessary to have a multilaterally negotiated treaty to give effect to this commitment.

14. As interim measures to facilitate the goal of the elimination of nuclear weapons, the international community should undertake the necessary measures to accomplish the following:

(a) Early and successful conclusion to the negotiations on the Comprehensive Nuclear Test-Ban Treaty;

(b) Early start to the negotiations in the Conference on Disarmament on the Convention to Prohibit the Production of Fissile Material for Nuclear Weapons and Other Nuclear Explosive Devices;

(c) Provision of negative security assurances by the nuclear-weapon States to all non-nuclear-weapon States against the use or threat of use of nuclear weapons in a multilaterally negotiated and legally binding form;

(d) Conclusion of a convention to outlaw the use or threat of use of nuclear weapons pending their elimination. India has been consistently calling, through a longstanding resolution at the General Assembly, for a convention on the prohibition of use or threat to use nuclear weapons. The draft convention submitted with the resolution calls on States parties to undertake not to use nuclear weapons under any circumstances. Such a convention would be open to all States parties and would be of indefinite duration. The remaining years of the Third Disarmament Decade should be utilized by the international community to develop consensus on this proposed convention;

(e) Qualitative disarmament measures that prevent the use of new technologies for upgrading existing nuclear weapons systems;

(f) Measures to ensure transfer of technology for peaceful purposes. In this context, it must be ensured that export controls undertaken in the name of non-proliferation do not become instruments for preventing the technological development of the developing countries.

15. The present working paper has concentrated only on the nuclear goals of the declaration of the 1990s at the Third Disarmament Decade. There are other important disarmament goals that must also be addressed by the international community so that the momentum in arms control and disarmament that has been gained in recent years can be driven home to advantage. It is with this belief that India took the initiative through a resolution sponsored by the States members of the Movement of Non-Aligned Countries at the forty-ninth session of the General Assembly in 1994 calling for the fourth special session of the General Assembly devoted to disarmament. Resolution 49/75 I was adopted by consensus. India believes that the fourth special session devoted to disarmament should be held no later than 1997 to take full advantage of the unique window of opportunity that has been presented to mankind after recent

positive changes in the international landscape and the relaxation of global tensions and to put into place priorities and decisions which must be taken by the international community.